

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	Chapter 11
1300 NORTH WOOD LLC,	)	
	)	Case No. 09-17206
Debtor.	)	
	)	Hon. Pamela S. Hollis
	)	
	)	Hearing Date: September 10, 2009
	)	Hearing Time: 10:00 am

**NOTICE OF MOTION**

To: See Attached Service List

**PLEASE TAKE NOTICE** that on the 10<sup>th</sup> day of September, 2009, at 10:00 a.m., I shall appear before the Honorable Pamela S. Hollis in Courtroom 644 of the U.S. Bankruptcy Court, 219 South Dearborn Street, Chicago, Illinois, to then and there Present **Debtor's Motion for Authority to Employ Accountants Associated with Roger Philip Feldman & Company**, a copy of which is hereby served upon you.

By: /s/ Julia Jensen Smolka

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28<sup>th</sup> day of August, 2009, she duly served (or caused to be served) the above described Notice by Ordinary First Class Mail upon the persons on the attached service list, other than those electronically notified, together with copies of the Motion and Proposed Order referred to herein.

/s/ Julia Jensen Smolka

Abraham Brustein, ARDC #327662  
Julia Jensen Smolka, ARDC #6272466  
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**In re 1300 N. Wood, LLC**  
**Bankruptcy Case No. 09-17206**  
**Service List**

Terence Tiu  
30 S. Wacker Drive 26<sup>th</sup> Floor  
Chicago, IL 60606  
Email: [ttiuhak.com](mailto:ttiuhak.com)

1300 N. Wood LLC  
811 W. Superior Street  
Chicago, IL 60642

Stephen Wolfe  
Office of U.S. Trustee, Region 11  
219 S. Dearborn St.  
Room 873  
Chicago, IL 60604

Christopher Koczwar  
5832 S. Archer Avenue  
Chicago, IL 60638

Eugene Kraus  
Scott & Kraus LLC  
150 S. Wacker Drive  
Chicago, IL 60606

William T. Neary  
Office of the U.S. Trustee, Region 11  
219 S. Dearborn Street #873  
Chicago, IL 60604

**IN THE UNITED STATES BANKRUPTCY COURT  
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**DEBTOR'S MOTION FOR AUTHORITY TO EMPLOY  
ACCOUNTANTS ASSOCIATED WITH ROGER PHILIP FELDMAN & COMPANY**

The Debtor, 1300 North Wood LLC. ("Wood"), pursuant to Section 327 of the Bankruptcy Code and Bankruptcy Rule 2014(a), hereby moves for entry of an order authorizing it to employ, effective as of May 12, 2009, accountants associated with the accounting firm of Roger Philip Feldman & Company ("Feldman & Company") in this case. In support of this motion, Wood states as follows:

1. On May 12, 2009 ("Petition Date"), Wood filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code ("Code"). Pursuant to Sections 1107 and 1108 of the Code, Wood is operating its business as a debtor-in-possession.

2. By this motion, Wood seeks entry of an order authorizing it to employ Feldman & Company and other accountants associated with that firm as Wood's accountants in this case.

3. This Court has subject matter jurisdiction to grant the relief requested in this motion, as a core proceeding pursuant to 28 U.S.C. 1334(a), (b) and 28 U.S.C. Section 167(a), (b)(2)(A). This Court has the authority to grant the relief requested by this motion pursuant to Section 327(a) of the Code and Bankruptcy Rule 2014.

4. Prior to the Petition Date, Wood retained Feldman & Company with respect to the filing of its annual taxes. Wood wishes to retain Feldman & Company as its accountants in this case.

5. Wood requires the assistance of accountants in order to exercise its rights and to fulfill its duties as debtor-in-possession. Feldman & Company will provide accounting services to Wood, including the following:

- A. Preparing the necessary documents and lists necessary, including the balance sheet and statement of cash flow;
  - B. Preparing the annual income tax returns;
  - C. Assisting Debtor and its counsel in preparing the plan of reorganization and disclosure statement; and
  - D. Performing all other accounting services normally incident to Chapter 11 cases.
6. Feldman & Company is experienced in all phases of taxation and accounting.

#### **DISINTERESTEDNESS OF FELDMAN**

7. Except as set forth in the Affidavit of Roger Philip Feldman attached hereto as Exhibit A (“Feldman Affidavit”), to the best of his knowledge and information, Feldman & Company, including its members and associates, is (A) a “disinterested person” in the definition of Section 101(14) of the Code; (B) does not hold or represent an interest adverse to the estate in the meaning of Section 327(a) of the Code; and (C) does not have any connection with Wood, its Creditors, the U.S. Trustee, any person employed in the office of the U.S. Trustee, or any other party in interest or their respective attorneys and accountants.

8. Except as otherwise indicated in the Feldman Affidavit, Feldman & Company has not and currently does not represent any Creditor of Wood or any insider of Wood; and it is not a Creditor of Wood.

9. To the best of Feldman & Company's knowledge and information, Feldman & Company, including its members and associates: (A) is not a Creditor, an equity security holder, or an insider of Wood; (B) is not and was not within two (2) years before the Petition Date a director, officer or employee of Wood; and (C) does not have an interest materially adverse to the interest of the estate or any class of Creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in Wood, or for any other reason.

### **COMPENSATION**

10. Subject to this Court's approval of fee petitions to be submitted in accordance with the applicable provisions of the Code and Bankruptcy Rules, Debtor has agreed to compensate Feldman & Company for services rendered in this case at the customary billing rates of its accountants and assistants. Wood has also agreed to reimburse Feldman & Company in full for its cash disbursements and for such expenses as Feldman customarily bills to its clients. Presently, Feldman & Company's hourly rates are \$135.00 to \$150.00, depending upon the experience and expertise of the person providing the service. These hourly rates are subject to periodic increases. Wood and Zivkovic have been informed of the current rates and that they are subject to adjustment in the future.

11. Except as set forth above and in the Feldman Affidavit, no arrangement has been entered into or proposed between Wood and Feldman & Company for compensation to be paid in this case. There is no agreement or understanding between Feldman & Company and any other entity for the sharing of compensation which has been received, or which is to be received, for services rendered in connection with this case.

12. Notice of this motion has been sent to Wood, the office of the United States Trustee, the attorneys for secured Creditors, and the 20 largest unsecured Creditors.

WHEREFORE, Wood requests that this Court enter an order authorizing Wood to employ Roger Philip Feldman & Company, and its Retained Accountants, as accountants pursuant to Section 327(a) of the Bankruptcy Code and Bankruptcy Rule 2014(a), effective as of May 12, 2009, and grant such other relief to Wood as is just and proper.

Respectfully submitted,

1300 North Wood LLC

By: /s/ Julia Jensen Smolka

Abraham Brustein, ARDC #327662  
Julia Jensen Smolka, ARDC #6272466  
Derek D. Samz, ARDC #6290656  
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